<u>REMARKS</u>

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 2, 3, 5, 6, 9, 10, and 14-23 are pending in this application, Claims 1, 4, 7, 8 and 13 having been cancelled without prejudice or disclaimer; Claims 11 and 12 having previously been canceled without prejudice or disclaimer; Claims 2, 3, 5, 9, 10, 14-16, and 19-22 having been amended; and Claim 23 having been added. Support for amended Claims 2, 3, 5, 9, 10, 14-16, and 19-22, and new Claim 23 can be found, for example, in the original claims, drawings, and specification. Applicants respectfully submit that no new matter has been added.

In the outstanding Office Action, Claims 4-7, and 17-19 were rejected under 35 U.S.C. § 101 as directed to non-statutory subject matter; Claims 4, 5, 7, and 17-19 were rejected under 35 U.S.C. § 112, second paragraph, as indefinite; Claims 1, 3, 4, 6, 8, and 10 were rejected under 35 U.S.C. § 102(b) as anticipated by <u>Subramaniam et al.</u> (U.S. Patent No. 6,081,900; hereinafter "<u>Subramaniam</u>"); and Claims 2, 5, 7, 9, and 13-22 were rejected under 35 U.S.C. § 103(a) as unpatentable over <u>Subramaniam</u> in view of <u>Katano Guthrie et al.</u> (U.S. Patent No. 6,606,627; hereinafter "<u>Katano Guthrie</u>").

In response to the rejection of Claims 4, 5, 7, and 17-19 under 35 U.S.C. § 112, second paragraph, Applicants respectfully submit that the specification recites sufficient structural elements for the claims to properly invoke treatment under 35 U.S.C. § 112, sixth paragraph. Specifically, Applicants point to page 8, lines 17-22 of the specification which state that "[t]he actual entity of each of the database access control apparatus 100 and the proxy process server apparatus 300 is a *computer* that performs each process by a program under an environment of *hardware resources such as a CPU, a memory and the like.*"

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In support of this position, Applicants note *WMS Gaming, Inc. v. International Game Technology*, 184 F.3d 1339 (Fed. Cir. 1999), where the Federal Circuit held that the time domain processing means is a microprocessor programmed to carry out the algorithm. As in this case, Applicants' specification supports interpreting Applicants claims to include a processor to carry out the function recited in the claims.

Accordingly, Applicants respectfully request that the rejection of Claims 4, 5, 7, and 17-19 under 35 U.S.C. § 112, second paragraph, be withdrawn.

In response to the rejection of Claims 4-7 and 17-19 under 35 U.S.C. § 101, Applicants respectfully submit that Claims 5, 6 and 17-19 recite statutory subject matter. Currently amended Claim 5 recites features of original Claim 4, now cancelled. Claim 7 has also been cancelled. Claims 5, 6 and 17-19 are directed to an apparatus, and not software per se, which is statutory subject matter. As mentioned above, the means recited in the database access control apparatus includes a CPU, which is a structural element. Thus, these claims are not software per se.

Accordingly, Applicants respectfully request the rejection of Claims 4-7, and 17-19 under 35 U.S.C. § 101 be withdrawn.

In response to the rejection of Claims 1, 3, 4, 6, 8, 10 under 35 U.S.C. § 102(b) as anticipated by Subramaniam and rejection of Claims 2, 5, 7, 9, and 13-22 under 35 U.S.C. § 103(a) as unpatentable over Subramaniam in view of Katano Guthrie, Applicants respectfully submit that amended independent Claim 2, which includes the features of original Claim 1, recites novel features clearly not taught or rendered obvious by the applied references.

Amended independent Claim 2 is directed to a database access control method including, *inter alia*:

> ...sending, in the database access control apparatus, an address of a usable proxy process server apparatus to the user apparatus in response to the request from the user apparatus;
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> connecting the user apparatus to the proxy process server apparatus of the address to make a database access request;
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> making, in the proxy process server apparatus, a database process request to the database access control apparatus according to the database access request from the user apparatus;
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> performing, in the database access control apparatus, a process on the database in response to the database process request from the proxy process server apparatus, and sending a process result to the proxy process server apparatus;
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> ...
>
> determining, in the database access control apparatus, whether an access key the same as the access key received from the proxy process server apparatus exists in the storing part, and executing an access to data in the database within a limit permitted for the user ID corresponding to the access key only if the access key exists in the storing part.

Applicants respectfully submit that <u>Subramaniam</u> does not teach or suggest "making, in the proxy process server apparatus, a database process request to the database access control apparatus according to the database access request from the user apparatus" and "performing, in the database access control apparatus, a process on the database in response to the database process request from the proxy process server apparatus, and sending a process result to the proxy process server apparatus," as recited in Applicants' amended independent Claim 2.

<u>Subramaniam</u> describes that during a requesting step 120, an external client 112 requests access to data which is stored on a target server 104. The IP address from which the request was made is checked, and the target server 104 determines whether the request came

from outside a security parameter 102. [1] Even if the request came from inside the security

parameter 102, the target server 104 would generally check user permissions against access

control lists associated with the data, or take other steps to make sure the requesting user is

entitled to access the requested data before providing the data.[2]

However, Subramaniam does not describe *making, in the proxy process server*

apparatus, a database process request to a database access control apparatus, and that the

database access control apparatus performs a process on the database in response to the

database process request from the proxy process server apparatus, *and sends a process result*

to the proxy process server apparatus. Subramaniam merely describes that a client 112

requests access to data on a target server 104.

Accordingly, Applicants respectfully submit that amended independent Claim 2 (and

all claims depending thereon) patentably distinguishes over Subramaniam. Further,

Applicants respectfully submit that Katano Guthrie fails to cure any of the above-noted

deficiencies of Subramaniam.

Further, Applicants respectfully submit that the cited references fail to teach or

suggest that "determining, in the database access control apparatus, whether an access key the

same as the access key received from the proxy process server apparatus exists in the storing

part, and executing an access to data in the database within a limit permitted for the user ID

corresponding to the access key only if the access key exists in the storing part," as recited in

Applicants' amended independent Claim 2.

Katano Guthrie describes that when a client process connects to an application server

device 210, a session between the application and that particular user is established by the

machine 110 and operating system 120. The data relating to the communication session,

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[1] See Subramaniam at column 6, lines 42-49.
[2] See Subramaniam at column 6, lines 51-56.

including the user's identification information (user ID) is stored in session data 212.[3]

However, <u>Katano Guthrie</u> does not describe that a database access control apparatus

determines whether an access key the same as the access key received from the proxy process

server apparatus exists in the storing part. <u>Katano Guthrie</u> also does not describe that the

database access control apparatus executes an access to data in the database within a limit

permitted for the user ID corresponding to the access key only if the access key exists in the

storing part. <u>Katano Guthrie</u> merely describes that data relating to a communication session,

including a user's ID, is stored in the session data 212.

Further, Applicants respectfully submit that <u>Subramaniam</u> fails to cure the above-

noted deficiency of <u>Katano Guthrie</u>.

Accordingly, Applicants respectfully submit that amended independent Claim 2 (and

all claims depending thereon) patentably distinguish over <u>Subramaniam</u>.

Amended independent Claim 5 has been amended to include features of original

Claim 4, and recites "means for instructing the user apparatus to connect to the proxy process

server apparatus by sending an address of a usable proxy process server apparatus to the user

apparatus in response to a request from the user apparatus" and "means for performing a

process on the database in response to a database process request from the proxy process

server apparatus, and sending a process result to the proxy process server apparatus" and is

believed to be patentable for at least the reasons discussed above.

Accordingly, Applicants respectfully submit that independent Claim 5 (and all claims

depending thereon) patentably distinguish over <u>Subramaniam</u>.

Independent Claim 9 has been amended to include features of original Claim 8 and

recites "instructing the user apparatus to connect to the proxy process server apparatus by

sending an address of a usable proxy process server apparatus to the user apparatus in

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[3] See <u>Katano Guthrie</u> at column 5, lines 48-53.

response to a request from the user apparatus" and "performing a process on the database in response to a database process request from the proxy process server apparatus, and sending a process result to the proxy process server apparatus" and is believed to be patentable for at least the reasons discussed above.

Thus, Applicants respectfully submit that independent Claim 9 (and all claims depending thereon) patentably distinguish over Subramaniam.
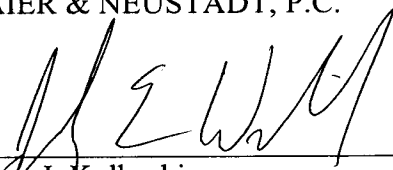
Accordingly, Applicants respectfully request the rejections under 35 U.S.C. §§ 102(b) and 103(a) be withdrawn.

In order to vary the scope of protection recited in the claims, new Claim 23 is added. New Claim 23 finds non-limiting support in the disclosure as originally filed, for example, in original Claims 1 and 2.

Consequently, in view of the present amendment, and in light of the above discussion, the pending claims as presented herewith are believed to be in condition for formal allowance, and an early and favorable action to that effect is respectfully requested.

Respectfully submitted,

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